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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FWA3-41	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2004/005484	International filing date (day/month/year) 16.04.2004	Priority date (day/month/year) 17.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant SHARP KABUSHIKI KAISHA			

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☒ (sent to the applicant and to the International Bureau) a total of 8 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/005484

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-29, 31-36 as originally filed/furnished
- pages* 30, 37-39 received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-6 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 7-10, 12-18, 20-23 received by this Authority on 17.02.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets fig. 1-40 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 11, 19
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/005484

Box No. IV

Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☒ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:

I. Claims 1 to 6 pertain to a device for multiplexing a main image, a thumbnail image and three-dimensional control information.

II. Claims 7 to 10, 12 to 18 and 20 to 23 (claims 11 and 19 were deleted by the amendments dated 17 February 2005) pertain to devices and/or programs for determining whether or not the parallax of a three-dimensional image is within a prescribed parallax range.

Therefore, the two groups of inventions in question cannot be considered to be a single group of inventions that are so linked as to form a single general inventive concept.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☐ all parts.
- ☐ the parts relating to claims Nos. 1-6, 7-10, 12-18 and 20-23 (claims 11 and 19 were deleted by the amendments)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/005484

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-6, 7-10, 12-18, 20-23	YES
	Claims		NO
Inventive step (IS)	Claims	1-6, 7-10, 12-18, 20-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6, 7-10, 12-18, 20-23	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Document 1: JP 2001-281754 A (Minolta Co., Ltd.), 10 October 2001			
Document 2: JP 2002-232914 A (Canon Inc.), 16 August 2002			
Document 3: JP 07-050855 A (Sharp Corp.), 21 February 1995			
Document 4: JP 2003-009185 A (Olympus Optical Co., Ltd.), 10 January 2003			
Document 5: JP 08-009421 A (Sanyo Electric Co., Ltd.), 12 January 1996			
Document 6: JP 08-317429 A (Matsushita Electric Industrial Co., Ltd.), 29 November 1996			
Document 7: JP 09-121370 A (Matsushita Electric Industrial Co., Ltd.), 06 May 1997			
With regards to the inventions that are set forth in claims 1 to 6, neither the device for creating three-dimensional images, which is equipped with a multiplexing unit for multiplexing a main image, a thumbnail image and three-dimensional control information, nor the device for reproducing three-dimensional images, which is equipped with a reverse multiplexing unit for separating the main image, the thumbnail image and the three-dimensional control information as well as a thumbnail generation			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/005484

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

unit for outputting a thumbnail image that is obtained by superposing a symbol, which indicates that the image is a three-dimensional image, over the thumbnail data, is disclosed in the documents that are cited in the international search report (in particular, refer to documents 1 to 4); furthermore, the inventions in question would not have been obvious to a person skilled in the art.

With regards to the inventions that are set forth in claims 7 to 10, 12 to 18 and 20 to 23, the feature of providing a parallax range detection means for detecting the parallax range that is appropriate for stereoscopic viewing, a parallax detection means for detecting the parallax of the three-dimensional image, a determination means for determining whether or not the aforementioned parallax of the aforementioned three-dimensional image falls within the aforementioned parallax range and a notification means for notifying a user, and then further configuring so that the aforementioned notification means notifies the user in cases when the aforementioned determination means determines that the aforementioned parallax does not fall within the aforementioned parallax range is not disclosed in any of the documents that are cited in the international search report, and would not have been obvious to a person skilled in the art. (In addition, claims 11 and 19 were deleted by the amendments dated 17 February 2005.)